LeMond Cycling, Inc. v. Trek Bicycle Corporation Doc. 148 Att. 3

Exhibit 80

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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

LEMOND CYCLING, INC., Plaintiff, vs. TREK BICYCLE CORPORATION, Defendant/Third-Party Plaintiff, vs. GREG LEMOND Third-Party Defendant.	Civil No. 08-1010 (RHK-JSM)

DEPOSITION OF THOMAS FOX

JULY 14, 2009

Cila Meyer, CSR No. 4914
285135

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partnership."

A Yes.

Q You wrote those words?

A I did.

Q You wrote "actions and statements." Do you see that?

A Yes.

Q What is the difference between an action and a statement?

A What is the difference between an action and a statement. I think in this context his actions are his behavior, whether he's being -- when he's being interviewed -- I guess the behavior that he exhibited when Trek approached him after some of the first comments. And the statements that I'm looking at, sort of exactly what he's written and what he's said. So actions were how he acted as a part of this case, and then the statements that are printed and available for people to see.

Q So actions in this context would correspond to Mr. LeMond's behavior; statements would reflect Mr. LeMond's words?

A That's a fairly fair characterization, yeah.

Q With respect to behavior that you talk about in this -- strike that.

you think of that athlete?

A What would I think about an athlete that reached a certain level of success but did not speak out against performance-enhancing drugs.

Q Right.

A I don't know if I'd really think anything. I don't think I view that athlete as having necessarily that responsibility. I think that's an individual choice. I watched Michael Jordan for his entire career, an athlete that we sponsored, very rarely, if ever, put himself in a position where he was leading people's thoughts on certain issues. He did it purposely. Tiger Woods is the exact same way. There's calls from people within his fan base and within the community for them to step up and represent certain issues, and they have steadfastly denied, you know, refused to do that because that's what they believe. I don't look at them -- I don't say, "Boy, that's, you know, I can't believe they're not doing that." That's their choice. I also respect athletes that stand up for causes and speak out. If they feel they need to do that, I think that's their choice.

Q You were working at Gatorade when it had a contract with Mr. Jordan?

A Yes.

Q I'm assuming that the contract you had with Mr. Jordan also had one of those morals clauses?
A It did.
Q Did you ever invoke that clause with respect to Mr. Jordan?
A Never.
Q But he had gambling problems; right?
A I don't know. Define a gambling problem.
Q Did he ever have extramarital affairs?
A I believe he's admitted to those, yes.
Q That didn't implicate any morals clauses?
A It didn't.
Q But speaking out negatively about Lance Armstrong's performance-enhancing drugs does?
A Michael's -- I guess the determining factor is Michael --
Q Is that "yes"?
A No, it's not a "yes." I was answering -- I'm answering your question. You're saying, you know, that didn't trigger a morals clause but Greg LeMond speaking out against Lance does. So, yes. I'm sorry. Yes. The answer is yes. I view those two things very differently.
MR. MADEL: Why don't we just take a break.
THE VIDEOGRAPHER: We're off the record at